

Customized PTO/5801 (10-01)

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| DECLARATION FOR UTILITY OR DESIGN PATENT APPLICATION | Docket No. | P07874US00/MP |
| | 1 st Inventor | MARNAY |
| | COMPLETE IF KNOWN | |
| Declaration Submitted with Initial Filing | Serial No. | |
| Declaration Submitted after Initial Filing | Filing Date | |

As a below named inventor, I hereby declare that:

My residence, mailing address and citizenship are as stated below next to my name.

I believe I am the original and first inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

INSTRUMENTS AND METHOD FOR INSERTING AN INTERVERTEBRAL IMPLANT

the specification of which:

☒ is attached hereto

OR

was filed on as US Application No. or PCT International Application No.

and (if applicable) was amended on

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim FOREIGN PRIORITY benefits under 35 USC 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's certificate(s), or 365(a) of any PCT international application which designated at least one country other than the US, listed below and have also identified below by checking the box, any foreign application for patent, inventor's certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed. (ADDITIONAL APPLICATIONS IDENTIFIED ON ADDITIONAL INFORMATION SHEET)

| Prior Foreign Appl. No. | Country | Day/Month/Year Filed | Priority Not Claimed |
|-------------------------|---------|----------------------|----------------------|
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As a named inventor, I hereby appoint the registered practitioners of LARSON & TAYLOR, PLC associated with Customer Number 000881 to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith. Direct all correspondence to that Customer Number.

Direct all telephone calls to Marvin Petry
at TEL (703) 739-4900 (Fax: 703-739-9577) e-mail:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 USC 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon. (XX ADDITIONAL INVENTORS IDENTIFIED ON ADDITIONAL INFORMATION SHEET)

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| SOLE OR FIRST INVENTOR | | Citizenship | French |
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| Full Mailing Address | | Clinique du Parc; B.P. 20; 34171 Castelnau le Lez; France | |
| Residence - City, State/Country (if different from PO address) | | Same As "Full Mailing Address" Above | |
| SIGN AND DATE HERE | Inventor's Signature | Date | 1 st of July 2003 |
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| Residence - City, State/Country (if different from PO address) | | Same As "Full Mailing Address" Above | |
| SIGN AND DATE HERE | Inventor's Signature | Date | |
| THIRD JOINT INVENTOR (if any) | | Citizenship | U.S.A. |
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| SIGN AND DATE HERE | Inventor's Signature | Date | |

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| SIGN AND DATE HERE | Inventor's Signature | Date | |
| SECOND JOINT INVENTOR (if any) | | Citizenship | German |
| Given Name (First and Middle (if any)) | Rudolf | Family Name or Surname | BERTAGNOLI |
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| Residence - City, State/Country (if different from PO address) | Same As "Full Mailing Address" Above | | |
| SIGN AND DATE HERE | Inventor's Signature <i>[Signature]</i> | Date | 27.06.2003 |
| THIRD JOINT INVENTOR (if any) | | Citizenship | U.S.A. |
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| Given Name (First and Middle (if any)) | Rudolf | Family Name or Surname | BFRTAGNOLI |
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Additional Prior Foreign Application(s):

| Prior Foreign Appl. No. | Country | Day/Month/Year Filed | Priority Not Claimed |
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| Name Of Additional Joint Inventor, if any | | Citizenship | German |
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